

**GALLATIN LOCAL WATER QUALITY DISTRICT
MEETING MINUTES - FINAL
May 14, 2010**

BOARD MEMBERS PRESENT:

Cyndy Andrus
Randy Carpenter
Mark Criner
Kathy Gallagher
Dave Hebner
Sherwin Leep, Board Chair
Steve White, Secretary

GLWQD STAFF PRESENT:

Alan English, Manager
Tammy Crone, Water Quality Specialist
Baker Lyon, Water Quality Specialist

BOARD MEMBERS EXCUSED:

Tony Haag
Gretchen Rupp, Vice-Chair

BOARD LIAISONS PRESENT:

Tom Moore, Environmental Health
Sean O'Callaghan, Planning Dept.

PUBLIC AND GUESTS:

Erven Anderson
Natalie Anderson
Lynda Buchholz
James Greenbaum, County Attorney's Office

I. CALL TO ORDER

Board Chair Sherwin Leep called the meeting to order at 8:22 a.m.

II. APPROVAL OF APRIL 1, 2010 MEETING MINUTES

A motion to approve the minutes of the April 1, 2010 GLWQD Board meeting was made by Kathy Gallagher, and seconded by Steve White. The motion passed unanimously.

ROLL CALL

For

Against

Abstain

Cyndy Andrus
Randy Carpenter
Mark Criner
Dave Hebner
Kathy Gallagher
Sherwin Leep
Steve White

III. PUBLIC COMMENT ON NON-AGENDA ITEMS:

There was no public comment on non-agenda items.

IV. PUBLIC HEARING AND DECISION ON RESOLUTION TO CHANGE THE NORTHERN BOUNDARY OF THE GALLATIN LOCAL WATER QUALITY DISTRICT

a. **Staff Report**

The Manager, Alan English, introduced the boundary expansion and provided a history of previous expansions and demonstrated need for water quality assistance. The Manager cited concerns raised in the previous attempt to change the northern boundary, such as inclusion of a small portion of the Yellowstone River watershed, an error in the mailing of notices to property owners in the proposed northern expansion error (resulting in mailing of notices to people outside the proposed expansion area), and concern that the northern boundary change extended too far north into relatively undeveloped areas.

The revised resolution to change the northern boundary area (Resolution 2010-07), entitled To Change the Gallatin Local Water Quality District Boundary – Northern Expansion, would reduce the area proposed to be included, and remove any areas that are part of the Yellowstone River watershed. The Manager reminded the board they have the authority to expand the boundary, but that only the County Commission may create a Local Water Quality District, change the fee, or change the fee structure. He summarized the duly followed public notice process and indicated supporting documents attached to the board packet.

The Manager described the valid and invalid protest rate. Forty-three valid protests were received, for a total of eight percent of owners of improved property in the proposed northern expansion area. An additional fourteen protests were invalidated due to improper signature. Protestors expressed concern of additional regulation, increased taxes, and duplication of effort. The Manager noted that the District's regulatory powers are very limited by State statute, including being limited to administration of local ordinances enacted by the County Commission, or case-by-case enforcement of the existing Montana Water Quality Act with permission from DEQ and assistance from the Gallatin County Attorney. He also noted that the District has a fifteen-year track record of not being involved in regulatory issues, has not increased the \$6/year fee since the District was created in 1995, and works with many other agencies and organizations, rather than duplicating their efforts.

b. **Public Comment**

Lynda Buchholz, resident of Logan, asked the Manager what the six dollar annual fee buys, if the Board could have prevented the water quality problems in Logan, and how the proposed expansion would 'affect' her. The Manager responded that the "Board" governs the District and oversees the Manager. The Manager implements the District programs that are approved by the Board. He noted that the District engages in ground water monitoring, and would have particular interest in nitrate and arsenic sampling in the Logan area. Additionally, the District engages in area studies to characterize water resources, and will probably look at the Logan area as a new study area.

It was noted that the District has a history of working with Logan residents who have poor well-water quality. The Manager also noted that as a mobile home owner, Ms. Buccholz would be assessed a \$6/year fee. Steve White reminded the Board of a public meeting several years ago to address Logan water quality concerns, which partially encouraged the District expansion. At the time, the District had no obligation to the residents of Logan because they were outside the District, but did so anyway. Following passage of Resolution 2010-07, the District would begin to provide necessary services to these residents, which although not a final solution to their water problems, would be valuable resource as residents work toward solving their water problems. Finally, Ms. Buchholz requested that future public notice to residents be addressed to residents. Previous communications have gone to absentee property owners, but resident renters were not informed. There was no other public comment

c. Board Discussion and Decision

Steve White indicated that he felt his concerns regarding the first proposal to expand the northern boundary of the District had been addressed. He also noted that he would be less likely to support the expansion if the District was regulatory, and that he supported the mission of the District.

Kathy Gallagher commented, as a professional hydrologist, that the value of the services provided by the District far outweighs the cost. The amount of analysis and assessment the District will engage in during the coming years will be of great benefit to the area. Dave Hebner requested further information on the calls received by the District Manager. Mr. English responded that four of seven callers were in protest, others were simply interested in information and clarification of the proposal. Mr. White indicated he had not received any calls since the initial expansion attempt.

Randy Carpenter questioned the statutory and geographic limits to the district. The Manager explained that the District is not limited to the Gallatin River watershed, but is limited by Gallatin County's boundaries. He noted there has been interest in expanding the District into the Madison County portion of Big Sky, but this would require creation of an entirely new joint Local Water Quality District.

Kathy Gallagher made a motion to approve Resolution 2010-07: To Change the Gallatin Local Water Quality District Boundary- Northern Expansion. Mark Criner seconded the motion. The motion was approved unanimously.

ROLL CALL

For

Against

Abstain

Cyndy Andrus
Randy Carpenter
Mark Criner
Dave Hebner
Kathy Gallagher
Sherwin Leep
Steve White

V. DISCUSSION AND APPROVAL OF FISCAL YEAR 2011 DISTRICT BUDGET

The Manager indicated that the District budget is much tighter than previously experienced. At present, staff costs exceed fee revenue, and the District does not expect to receive any significant grant funds in the coming year. The District also cannot expect to receive much, if any, fee revenue from the expansion areas until November of 2011. The Manager has not received a response from the Department of Revenue regarding a request to update property tax records during the 2010 tax year.

The Manager summarized the budget, presented in a spreadsheet. He has conservatively increased staff costs by three-percent to cover any cost of living increases approved by the County Commission. The Manager noted that the Administrative Assistant position has been vacant for over a year, providing some vacancy savings. He stated he would like to fill the position so he can re-direct his workload. It was also noted that one Water Quality Specialist position was being vacated, and could be changed to a part-time position, or not filled for a few months to obtain some vacancy savings. Many of the budget line items for Operations are reduced to reflect a lower cash balance. For example, Contracted and Professional Services have been reduced due to budget reductions, but may be supplemented by grant funds. Steve White commended the Manager for having a frugal budget, providing value to taxpayers and never having increased the District fee.

Kathy Gallagher questioned a reduction of staff budget due to loss of second water quality specialist position. The Manager indicated the temporary position was up in April and suggested a part-time replacement or vacancy savings. The Manager does hope to fill the administrative assistant position to avail his time to other duties.

The Manager noted that the District will look for grants to implement a monitoring program in the expansion areas, but may not begin full work until fees start being assessed in those areas.

***Kathy Gallagher made a motion to approve the proposed Fiscal Year 2011 budget.
Mark Criner seconded the motion. The motion was approved unanimously.***

ROLL CALL	For	Against	Abstain
	Cyndy Andrus		
	Randy Carpenter		
	Mark Criner		
	Dave Hebner		
	Kathy Gallagher		
	Sherwin Leep		
	Steve White		

**Steve White excused himself from the meeting at 9:32.*

VII. STAFF UPDATE

Due to time limitations, the Manager proposed to not read through the Staff Update, but rather to answer any questions if the Board had any. The complete details of the Manager's staff update are available in written form. The Manager noted that Board Member Tony Haag has indicated that he does not have time to fulfill his duties and will be looking for a replacement. The Manager requested Dave Hebner's input on a replacement.

XI. OTHER BUSINESS

None.

XII. AGENDA FOR NEXT MEETING:

LWQD Program in expansion areas Board of Environmental Review
Update to LWQD Workplan

The next meeting is scheduled for Thursday, July 1, 2010 at 8:15 am in the Community Room, Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana.

The meeting was adjourned at 9:47 a.m.
Respectfully Submitted,

Sherwin Leep, Chair

Date

Steve White, Secretary

Date

Alan English, District Manager

Date